

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

SCOTT WARREN RABB  
TX-1328068-G

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BEFORE THE TEXAS  
APPRAISER LICENSING AND  
CERTIFICATION BOARD

DOCKET NO.  
329-11-8475.ALC

**FINAL ORDER**

On this 13<sup>th</sup> day of January, 2012, the Board considered the above-noted matter.

After proper notice was given, the above case was heard by an Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH). The ALJ made and filed a proposal for decision containing findings of fact and conclusions of law. The proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the administrative record. No such exceptions or replies were filed.


The Texas Appraiser Licensing and Certification Board, after review and due consideration of the proposal for decision, attached as Exhibit A hereto, adopts the findings of fact and conclusions of law of the ALJ contained in the proposal for decision and incorporates those findings of fact and conclusions of law into this Final Order as if such were fully set out and separately stated in this Final Order. All proposed findings of fact and conclusions of law submitted by any party that are not specifically adopted in this Final Order are denied.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the certification of Scott Warren Rabb in this matter is hereby **REVOKED**, effective twenty days after the date Scott Warren Rabb is notified of this Final Order.

IT IS FURTHER ORDERED that Scott Warren Rabb is assessed an administrative penalty of \$5,000.

If enforcement of this Final Order is restrained or enjoined by an order of a court, this order shall become effective upon a final determination by said court or appellate court in favor of the Texas Appraiser Licensing and Certification Board.

Approved by the Board and Signed this 13<sup>th</sup> day of January, 2012.

  
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Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board

**SOAH DOCKET NO. 329-11-8475.ALC**

**TEXAS APPRAISER LICENSING AND  
CERTIFICATION BOARD,**

**Petitioner**

**V.**

**SCOTT WARREN RABB,  
TX-1328068-G,**

**Respondent**

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**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**PROPOSAL FOR DECISION**

This matter was scheduled for hearing at the request of the Texas Appraiser Licensing (the referring agency). Despite being sent proper notice, the Respondent did not appear and was not represented at the hearing. For the reasons set out in the Findings of Fact and Conclusions of Law, the Administrative Law Judge (ALJ) finds that the relief requested by the referring agency should be granted on a default basis.

**FINDINGS OF FACT**

1. Notice of the hearing was mailed to the Respondent at the Respondent's address of record at least ten days prior to the scheduled hearing.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement in at least 12-point, boldface type that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on September 15, 2011.
5. The Respondent did not appear at the scheduled hearing and was not represented at the hearing and failed to demonstrate good cause for his failure to appear.
6. The referring agency's staff moved for a default, which was granted.
7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

**CONCLUSIONS OF LAW**

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
2. The referring agency has jurisdiction over this matter.
3. Proper and timely notice was provided to the Respondent in accordance with TEX. GOV'T CODE ch. 2001 and 1 TEX. ADMIN. CODE ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. The referring agency staff has established the basis for sanction alleged in the notice of hearing, which is incorporated into this Conclusion of Law.
6. The referring agency is entitled to the relief requested in its notice of hearing.

**SIGNED September 27, 2011.**

A handwritten signature in black ink, appearing to read "Ami L. Larson", written over a horizontal line.

**AMI L. LARSON  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**